EMPOWERMENT OF BACKWARD CLASSES THROUGH RESERVATION POLICY WITH REFERENCE TO DR. B.R. AMBEDKAR'S VISION AND CHALLENGES

A Synopsis

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INTRODUCTION

The topic of Reservation Policy often gives rise to contentious arguments and heated disagreements between proponents and opponents of the viewpoint. The discussion over the Reservation policy is not between those who are "Pro- equality" and those who are "Anti- equality." Equally, the most enthusiastic supporters of the Reservation Policy and the most fervent opponents of it make a point of openly proclaiming their commitment to the egalitarian ideal. The recent debate, discussion, and processes in the Parliament on the introduction of the Women Reservation Bill have once again pushed the subject of reservation into the forefront of political discourse in India. The problem of reservations, on the other hand, is not something that is completely foreign to the India Society. In point of fact, it has been running since even before we gained our freedom.

After being in effect for such a significant amount of time, the reservation policy has reached a point where those who have advocated for it and those who have opposed it are dissatisfied with it. The former are dissatisfied with it since it has not had a discernible influence on the social and economic situations of the Scheduled Castes (SCs) and Scheduled Tribes (STs), the majority of whom are still continuing to be socially isolated, uneducated, and destitute. Reservations in terms of employment, promotions, and admissions are said to have been extended too far at the expense of merit and equality, which, according to its detractors, has led to feelings of dissatisfaction and alienation among those who are not reserved.

The Constitution of India is the key issue at play here, and it is from there that the reservation rules are derived. The Constitution is founded on the bourgeoisie's class philosophy, which is neither ahistorical, eternal, or ideal to be embraced by all people at all times. However, this philosophy is the foundation of the Constitution. The reservation policies increasingly became a weapon for political gain rather than a method for providing the goods for the economic and educational upliftment of the underprivileged. This is in contrast to the original intention of the reservation laws.

The necessity to integrate the many ethnic groups, minorities, and other socially and culturally localized groups led the framers of the Constitution to choose to provide constitutional protections to certain portions of society in the form of reservation or protective discrimination. These constitutional safeguards were chosen because of the need to integrate these various social groupings.

According to Justice K. Subba Rao, the right to social justice may be defined in a restricted sense as the right of the weak, elderly, poor, women and children, and other under privileged individuals, to be protected by the State from the brutal competition of life. This definition is based on the idea that the state has a responsibility to look out for the best interests of its most vulnerable citizens. It is a collection of rights, which means that in one sense it is a carver of the rights of others, and in another sense it is a preserver of the rights of others.

According to the hierarchy of the Hindu social system, the groups that are regarded to be inaccessible and untouchable make up what is known as the Scheduled Castes. The operation of this component of the Hindu social order was arranged in accordance with the syntax of purity and contamination, and it included the development of a social and economic framework that was backed up by religious and governmental authority. SCs are kept in particular segregation in the villages and cities, and they work in vocations with low social status. SCs also did not play any part in the hierarchy of authority within the local society. As a result, they made a demand to be included in society as a whole and to be given the authority to make decisions on their own advancement. The beginning of the end of the practice of untouchability coincided with the establishment

of British authority and the rise to prominence of important advocates such as Dr. Ambedkar and Mahatma Gandhi. However, it is not fully accurate to believe that the practice of reserve is a legacy left by the British. On the other hand, the establishment of British administration in India brought with it the consolidation of political regimes and the introduction of an education system that was oriented toward the West. These two factors combined to create significant structural instabilities in the Indian caste system.

It is important to note that the various provincial governments in India were also putting in place specialized programs for the betterment of the economically disadvantaged sections. The government of Madras was the first to take this kind of action in 1885 when it drafted the grants in assistance legislation in order to manage the country's monetary and educational institutions and to provide supplementary resources to students from economically disadvantaged backgrounds. Following this, in 1921, the government of Madras took action in response to a resolution that had been approved by the State Legislative Council to increase the number of non-Brahmins serving in positions of authority within the state.

It is important to keep in mind that reservations are only one component of a much more comprehensive policy package. It is a collection of laws, ameliorative programs, and preferential schemes that are all geared toward the purpose of providing assistance to the most disadvantaged members of society. As a result, there is no compelling reason to forsake preference politics in favor of more pragmatic and utilitarian approaches. Reservations, along with other measures of protection and upliftment of the weaker sections of society, should be viewed as an instrument of a larger social policy of the state that is addressed to the long-term goal of creating a civil society through extending effective citizenship rights to the vast sections of the population who have been historically deprived and marginalized. This view should be held in conjunction with the idea that reservations should be viewed as an instrument of a larger social policy of the state.

STATEMENT OF PROBLEM

The topic of Reservation Policy frequently engenders contentious disputes and fervent disagreements between proponents and detractors of the stance. The philosophical implications of this concept are highly contentious and challenging to unravel, regardless of the circumstances in which it is implemented.

The discourse surrounding the Reservation policy does not involve a dichotomy between individuals who espouse a stance in favor of egalitarianism and those who oppose it. Similarly, individuals who express strong views either in favor of or against the Reservation Policy often make a deliberate effort to publicly affirm their commitment to the principle of equality.

The Indian Constitution accorded explicit recognition to Scheduled Castes and Scheduled Tribes through Articles 341 and 342, respectively. Additionally, the Constitution provided for reservations in legislatures (Articles 330 and 332), claims in services and positions (Article 335), and other forms of protection (Articles 17, 338, and 339) to ensure equal treatment. It is imperative to consider the concerns of individuals while formulating the Directive Principles of State Policy, as outlined in Articles 38 and 46. The draft Constitution of India, dated November 26, 1949, recognized the imperative need for the state to protect the Other Backward Classes (OBCs) and authorized preferential treatment in the form of reservations for individuals belonging to the Scheduled Castes and Scheduled Tribes (SCs and STs).

The Indian Constitution explicitly acknowledges that justice extends beyond the realm of politics to encompass both the economic and social domains. The significance of not only ensuring equality of opportunity but also equality of prestige cannot be overstated. As per the Constitution of India, it is strictly prohibited for the Indian state to engage in discriminatory practices against any Indian citizen based on their religion, race, caste,

gender, place of birth, or any amalgamation of these factors. According to Article 29(2), educational institutions are safeguarded from discriminatory practices based on factors such as religion, race, caste, language, or any combination thereof. The inclusion of clause (4) in Article 15 of the Constitution via the first amendment granted the state the power to devise distinct measures aimed at enhancing the social and educational status of every citizen.

The socially and economically disadvantaged group of residents, commonly referred to as the Scheduled Castes (SCs) and Scheduled Tribes (STs). It is imperative that the inclusion of Article 16(4) in the relevant provision does not serve as an impediment to the state's ability to institute measures for the reservation of individuals who, according to the state's assessment, are inadequately represented in the services furnished by the state. Article 29(2) includes a provision for the implementation of protective discrimination laws. This provision allows for the state to adopt special measures aimed at promoting the advancement of socially and educationally disadvantaged groups, as well as Scheduled Castes and Scheduled Tribes. It is important to note that this provision does not negate any other aspect of Article 29. The constitutional framework provides a basis for the implementation of the protective discrimination principle. A corresponding provision is also encompassed within Article 46.

On August 7, 1990, the National Front Government implemented a policy to allocate 27 percent of positions in the Central government and public enterprises to individuals belonging to other backward classes. The disclosure of this determination was made known to the general public on the subsequent day. Subsequent to this declaration, the reservation policy, which hitherto had been restricted to individuals belonging to the SCs and STs, was broadened to encompass individuals from the OBC category.

The Constitution places emphasis on the well-being and contentment of the societal groups that are most marginalized. The policy in question pertains to the reservation of positions within the public administration of the country, specifically for two social groups, namely the SCs and the STs. However, it also broadly alludes to the implementation of such affirmative action measures for a group it designates as "OBCs."

The Supreme Court rendered a decision in April 1951, which illuminated the perceived incongruity between the Fundamental Rights and the Directive Principles of State Policy enshrined in the Constitution. This event occurred shortly after the implementation of the Constitution. The Supreme Court of India, in the State of Madras v. Champakam Dorajian case, invalidated the reservation of seats in educational institutions within the Madras state and, consequently, proscribed any form of preferential treatment beyond government employment for groups other than SC or ST. The aforementioned ruling caused a significant political commotion in the southern region of India, ultimately prompting the expeditious incorporation of clause 4 into Article 15 of the Constitution. The aforementioned paragraph asserts that neither the article nor clause (2) of Article 29 shall impede the state from instituting specific measures to promote the progress of socially and educationally disadvantaged groups of citizens or the Scheduled Castes and Scheduled Tribes. As per the Mandal Commission's report, it is recommended that the Other Backward Castes (OBCs), constituting 52.1 percent of the population, be granted a reservation of the same proportion as they were found to have been allocated only 22.5 percent of the available positions in both public and private sectors of the economy. The aforementioned circumstance can be attributed to the allocation of 22.5 percent of the available job opportunities to the other backward castes (SCs and STs), who constitute 22.5 percent of the total population. The Mandal Commission's recommendation of a 27% reservation for the Socially and Educationally Backward Classes (SEBC) listed by them was made after considering the Supreme Court's decisions in the Balaji v. State

of Mysore and Devadasan v. Government of India cases. These decisions established that reserving more than 50% of available positions would contravene Article 15(1) of the Constitution. Additionally, the Commission took into account the existing 22.5% reservation for Scheduled Castes (SCs) and Scheduled Tribes (STs). It is recommended that the reservation system be extended to cover promotions, and any unfulfilled quotas should be deferred for an additional three-year period before being reinstated.

The National Front Government, under the leadership of V.P. Singh, made the determination to publicly disclose the study and broaden the scope of reservation advantages to encompass OBCs. In 1990, V.P. Singh declared in Parliament that the decision represented the initial phase of executing the Mandal Commission's proposals.

PRESENT STATE OF KNOWLEDGE

The Indian society has been afflicted by a caste system that has never been able to establish itself on the foundation of equality, not even in a symbolic sense. It is imperative that this system be reconstructed in a manner that aligns with the goal of achieving social equality, in order to realize its complete potential. The lack of formation of Indian society on the basis of equality has resulted in this situation. The caste system is not solely founded on economic disparity; therefore, a legitimate societal shift towards parity cannot be exclusively delegated to economic mechanisms. The reason for this is that the caste system is not solely based on economic disparity. Castes are social stratifications that are ascribed based on an individual's birth order. A society that is deemed just is characterized by the equitable distribution of power, wealth, and social status among its constituents.

Marc Galanter has proposed that Indian civilization can be best described as a "compartmental society." This implies that the society is comprised of numerous subcultures, each of which adheres to its own unique way of life. The authors of the Constitution recognized the imperative to incorporate diverse ethnic groups, minorities, and other socially and culturally localized groups into the fabric of society. As a result, they opted to provide constitutional safeguards to specific segments of the population in the form of reservations or protective discrimination. The implementation of these constitutional safeguards was necessitated by the imperative to incorporate socially and culturally specific groups. The imperative to incorporate numerous distinct social factions prompted the adoption of these constitutional provisions as a resolution. As per the definition provided by Justice K. Subba Rao, the entitlement to social justice can be delineated in a limited scope as the entitlement of vulnerable segments of society such as the elderly, impoverished, women, children, and other disadvantaged individuals to be protected by the government from the cut-throat competition of existence. Stated differently, the entitlement to social justice constitutes a circumscribed manifestation of the entitlement to social justice. This concept is based on the premise that the government has an obligation to safeguard the welfare of its citizens, particularly those who are in vulnerable circumstances. The nature of the collection of rights suggests that it serves as both a delineator and a protector of the rights of others. As it constitutes a compilation of entitlements, this implies that it has the potential to curtail the rights of others.

Before August 29, 1997, vacancies that were earmarked for Scheduled Castes and Scheduled Tribes, but remained unfilled due to insufficient applications from these communities through direct recruitment, were categorized as "Backlog Vacancies." This circumstance arose due to the insufficient number of candidates from the Scheduled Castes or Scheduled Tribes demographic. The aforementioned apertures were regarded as an autonomous classification and were not encompassed within the upper limit of the quota, which was established at fifty percent. The Supreme Court of India, in its ruling on the Indra Sawhney v. Union of India

case, established that the number of positions filled through reservations in a given year, including those carried over from previous years, must not exceed a maximum of fifty percent. The task of filling "Backlog Vacancies" and conducting Special Recruitment Drives was impeded due to the exhaustion of the total reservation quota for the Scheduled Castes, Scheduled Tribes, and other Backward Classes, which had reached a limit of forty-nine and a half percent. This resulted in a constraint on the total number of vacancies that could be filled in a year, which could not exceed fifty percent. Consequently, to implement the Supreme Court's ruling, an official memorandum was issued on August 29, 1997, stipulating that the fifty percent cap should be applicable to both extant and "Backlog Vacancies," as well as for the conclusion of the Special Recruitment Drive. Furthermore, as per the memorandum, it was recommended that the Special Recruitment Drive be concluded.

Regarding the issue of reservation in promotion, individuals belonging to Scheduled Castes and Scheduled Tribes were granted the benefit of reduced qualifying mark requirements and overall lowered standards of assessment. On October 1, 1996, the Supreme Court of India rendered a verdict in the matter of S. Vinod Kumar vs. Union India, concluding that exemptions in relation to reservation in promotion were not permissible under article 16(4) of the Constitution, given the directive outlined in article 335 of the Constitution. A verdict was reached in the legal matter involving S. Vinod Kumar and the Union of India. The Supreme Court, in addition, ruled that the legislation regarding the relaxation of qualifying marks and evaluation criteria in relation to promotion-based reservations is one that was established by the nine-judge Constitution Bench of the Supreme Court in the case of Indira Sawhney and others Vs. Union of India and others. This was another decision rendered by the highest court. As per the argumentation put forth in paragraph 831 of the Indira Sawhney verdict, any exemptions of this nature are impermissible under Article 16(4) of the Constitution due to the mandate enshrined in Article 335 of the Constitution. The implementation of the Supreme Court's decisions necessitates the revocation of said relaxations, effective July 22, 1997. This particular date signifies the commencement of the process of implementation.

LITERATURE REVIEW

There is some preexisting literature that is significant to the issue of reservation practice and the role of the judiciary connected to the betterment of the socioeconomic conditions of oppressed, depressed, and backward classes. One example of this kind of writing is found here. This information may be obtained from a variety of sources, including the ones listed above. The following text contains a number of relevant reviews of previously published material.

The author of the book "Social justice and the politics of Reservation in India," Santosh Kumar V. (2008), concentrates his attention on the Post-Mandal Period in his work. This phase started in the late eighties and continued into the early years of the twenty first century. During this time period, the political landscape of North India underwent a sea change, with the dominant parties losing their grip and the emergence of new parties that sought to capitalize on the divisive forces generated by the implementation of the recommendations of the Mandal report. During this time, the political landscape of North India underwent a sea change, with the dominant parties losing their grip. This book does a very thorough job of covering a lot of subject. In addition to providing an overview of the operational principles, this section traces the historical evolution of reservation policy as well as its regional roots in India.

Policy on Reservations and Judicial Activism, both of which were authored by P. Vijayan (2006), gives a detailed examination of the formation and expansion of reservations in. Policy on Reservations was published in 2006.

Judicial Ingenuity Towards Rationalization of Reservation in India, as well as the Legal Mechanics of Reservation, and Judicial Balancing of the Interests that Compete with One Another in Indian Society are all topics that will be discussed. Awarded the outstanding credit for the idea, vision, and mission of Dr. B.R. Ambedkar, Judge V.R. Krishna Iyer's take on Dr. Ambedkar and the destiny of the Dalits (2010) not only provides the thoughts and contribution of Dr. Ambedkar, but it has also been awarded the outstanding credit for these things. Dr. B.R. Ambedkar in an effort to ameliorate the socioeconomic circumstances of Dalits and other under privileged communities in India. This publication was edited by R.B.S.'s Empowerment of the Weaker Classes in India. This book, which was published by Verma, H.S. Verma, and Rajkumar Singh (2006), offers a comprehensive examination of the concept of empowerment, including its purposes and the circumstances in which it is implemented. The emancipation of weaker social groups such as Scheduled Castes, Scheduled Tribes, and Other Backward Class Members The book "Reservation and Private Sector" has Shukhdeo Thorat working as the editor for the whole project.

The examination of the conceptual framework that Aryama and Prashant Negi (2005) conducted may be found on this page.Opinions About Reservations and Fair Job Opportunities in the Private Sector, Remedies Against Discrimination, as well as Concerns Concerning Reservations and the Politics of Caste

A concise summary of the relevance of affirmative action politics may be found in S. Nagendra Ambedkar's Issues Concerning Reservation Policy and Its Consequences (2008). Those who come from underrepresented groups need to be given priority for jobs in administrative positions and favored political participation at all levels of government.Empowerment of Scheduled Castes is the title of a book that was published in 2004 and was authored by R.V.K. Naidu. a significant amount of effort on educating, empowering occupationally, and strengthening politically those who belong to schedule castes.

Provisions of Justice for Other Historically Oppressed Communities (often abbreviated as OBCs) (1997) Anirudh Prasad is the author of this work, which offers significant insights and material for thought. an inquiry that provokes thinking into the fundamental issues brought up by reservation justice and in general, as well as with reference to the Post-Mandal case judgment concerning justice reserved for the OBC with particular quotas. It gives a comprehensive and detailed description of the incident criticism leveled on the two national backward classes as it appears in the report of the commission .Commissions, theoretical and practical concerns, governmental commitment, or other methods, the actions must be performed in order to achieve reservation justice for OBCs.

In the section of the Indian Constitution that was written by M.P. Jain (2011), the reference to the reservation in the constitutional text has been expounded in a great deal of detail framework that takes into account the unresolved replies from the courts on the reserve policies. A complete examination of Affirmative Action, Politics, and Minorities may be found in Zoya Hasan's book that was published in 2009 and given the same name. The book is titled Politics of Inclusion, Castes, Minorities, and Affirmative Action. Inclusion of the Muslim Minority in Reservations and the Reaction of the Judicial System.

OBJECTIVE OF RESEARCH

1. To identify the rights of SC's and ST's granted in India.
2. To identify the factors affecting reservation in promotion to SC's and ST's in India.
3. To Identify the implementation of reservation policies in the national legislations.
4. To investigate and then analyse the application of the laws related to SC's and ST's on grass root level.

HYPOTHESIS

The SC's and ST's in India is being readily exploited in India, in the guise of laws which are actually meant to protect them. The Indian government has contended in reservation policies that backward classes will get adequate representation but this contention has actually derailed the rights of the SC's and ST's living and situated in India.

RESEARCH METHODOLOGY

The methodology undertaken has been partially doctrinal and partially non doctrinal. While choosing the research design, the doctrinal has been considered to understand the various rights availaible to the SC's and ST's at national level. While, empirical study has been taken up to analyse the actual implementation and to find the backward classes who is actually not possessing these rights at the grass root level.

LIMITATIONS OF THE STUDY

The study has to be conducted comparing and analyzing the national norms and its applicability in India. India being a vast country both geographically and density wise make it complicated and expensive to conduct research. The economic condition and the literacy level of SC's and ST's and the other citizens of India on this topic is in itself a very big issue to resolve in a democracy like India. Though there are many SC's and ST's and backward classes situated in India. They have been in India since time immemorial.

SCHEME/ STUDY OF CHAPTERISATION

The tentative chapterization is proposed as follows:

1. Introduction
2. Historical Perspective since the genesis of SC's and ST's in India
3. National Guidelines for the protection of rights of SC's and ST's
4. Indian Perspective and guidelines for reservation in promotion to SC's and ST's
5. Constitutional provisions and amendments regarding SC's and ST's: An analysis in respect to Indian judgements.
6. Conclusion

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